In the Supreme Court of the United States.

OCTOBER TERM, 1936

No. —

CHAS. C. STEWARD MACHINE COMPANY, A CORPORATION, PETITIONER

v.

HARWELL G. DAVIS, INDIVIDUALLY AND AS COLLECTOR OF INTERNAL REVENUE, FOR THE DISTRICT OF ALABAMA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE FIFTH CIRCUIT

MEMORANDUM FOR THE RESPONDENT

We join in the petitioner's request for a writ of certiorari.

The case squarely presents the single issue of the constitutionality of the taxes imposed by Title IX of the Federal Social Security Act (Act of August 14, 1935, c. 531, 49 Stat. 620; U. S. C. Sup. II, Title 42, c. .). While we believe the decision of the Circuit Court of Appeals is correct, it is of the greatest public importance that the validity of such taxes

be definitely settled as soon as possible. The issue directly affects many thousands of taxpayers throughout the country. A prompt decision is also important to the Government. Large sums of money have already been expended, and more will be expended in the future in the administration of the Act. Delay in the determination of this question of outstanding importance may result in a multitude of suits clogging the dockets of the courts, harassing the Government, and greatly overtaxing its facilities for the orderly handling of such litigation. For these reasons a final decision with respect to the validity of the tax here challenged would be in the public interest. Accordingly, we do not oppose the granting of the writ.

Respectfully submitted.

STANLEY REED,
Solicitor General.

MARCH 1937.

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